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United States Department of Agriculture

BUREAU OF PLANT INDUSTRY

SERVICE AND REGULATORY ANNOUNCEMENTS NO. 24

PROSECUTIONS AND SEIZURES UNDER THE INTERSTATE
CLAUSE (SEC. 6) OF THE FEDERAL SEED ACT

(July 1, 1936, to June 30, 1938; 121-138)

121. Misbranding of soybean seed. U. S. v. Allied Seed Co. Inc. Found guilty.
Fine, \$50 and costs. (F. S. 151.)

The K & A Seed Co. Inc., of Harrisburg, Pa., and Peoria, Ill., shipped on April 21, 1933, from Peoria, Ill., to Harrisonburg, Va., 450 bags (900 bushels) of soybean seed.

On March 4, 1935, information was filed in the United States District Court for the Southern District of Illinois, alleging that the Allied Seed Co., an Indiana corporation, under the name of K & A Seed Co. Inc., its then corporate name, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Germination 90.00%", whereas it was found to germinate approximately 51 percent.

On November 9, 1937, the court found the defendant guilty and assessed a fine of \$50 and costs.

122. Misbranding of red clover and alfalfa seed. U. S. v. Standard Seed Co.
Plea of guilty. Fine, \$400. (F. S. 186.)

The Standard Seed Co., Kansas City, Mo., shipped on February 25, 1935, from Kansas City, Mo., to Riner, Va., one bag (one-half bushel) of red clover seed, and one bag (1 bushel) of alfalfa seed.

Information was filed in the United States District Court for the Western District of Missouri, alleging that the Standard Seed Co., a corporation, unlawfully sold and offered for transportation in interstate commerce the above-mentioned shipments misbranded in violation of the Federal Seed Act in that samples submitted to the consignee by the Standard Seed Co. as representing these shipments bore the following statements:

"SAMPLE
Prime Medium
RED CLOVER
Our Tests on This Grade
Will Average About:
Purity..... 94.00%
Germination..... 75.00%
From
Standard Seed Co.
15 East 5th St.
Kansas City, Mo."

"SAMPLE
PRIME ALFALFA
Our Tests on this Grade
Will Average About:
Purity..... 95.00%
Germination..... 78.00%
From
Standard Seed Co.
15 East 5th St.
Kansas City, Mo."

whereas the red clover seed was found to germinate approximately 52.75 percent, and the alfalfa seed was found to germinate approximately 40 percent with an additional 7 percent of hard seed.

The defendant filed a demurrer and motion to quash, which was overruled by the court.

On March 3, 1937, the case was terminated upon the entering of a plea of guilty, the assessment of a fine of \$200 under each of the two counts, and the payment of \$25 under each count, the balance of the fine being suspended.

123. Misbranding of timothy and sweetclover seed. U. S. v. Standard Seed Co. Plea of guilty. Fine, \$400. (F. S. 199.)

The Standard Seed Co., Kansas City, Mo., shipped on February 9, 1935, from Kansas City, Mo., to New Castle, Ind., one bag (1½ bushels) of timothy seed, and one bag (1 bushel) of sweetclover seed.

On November 25, 1935, information was filed in the United States District Court for the Western District of Missouri, alleging that the Standard Seed Co., a corporation, unlawfully delivered for transportation in interstate commerce the above-mentioned shipment, misbranded in violation of the Federal Seed Act, in that the 1935 catalog of the Standard Seed Co. contained the statement:

"When you order seeds direct from us, we promise you—guarantee you, in fact—that we will send you seeds from fresh stock that are true to name and of high germinating quality.

"You are not bound in any way to accept any shipment from us until you have had time to examine the seeds, test them, and be well satisfied that they are as we represent them. You may return them to us within 30 days if not satisfactory, and get your money back.

"STANDARD SEED COMPANY",

whereas the timothy seed was found to germinate approximately 44.25 percent, and the sweetclover seed was found to germinate approximately 34.50 percent, with an additional 9 percent of hard seed, and was not of high germinating quality, as advertised.

The defendant filed a demurrer and motion to quash, which was overruled by the court.

On March 3, 1937, the case was terminated upon the entering of a plea of guilty and the assessment of a fine of \$200 on each of the two counts and payment of \$25 on each of the counts, the balance of the fine being remitted.

124. Misbranding of rye seed. U. S. v. 3 bags of rye seed. Seed seized and ordered destroyed. (F. S. 204.)

The Rowland Co., Athens, Ga., shipped on September 13, 1935, from Harrisonburg, Va., to Tuskegee, Ala., six bags (15 bushels) of rye seed.

On December 2, 1935, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of three bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Germination 85 percent", whereas it was found in October, 1935, to germinate approximately 49 percent. The seed was seized by the United States marshal.

On September 11, 1936, no claimant having appeared, the court ordered that the seed be destroyed.

125. Misbranding of sorghum seed. U. S. v. 5 bags of "Atlas Sorgo" seed. Seed seized and ordered destroyed. (F. S. 215.)

The Famo Feed Milling Co., St. Joseph, Mo., shipped on or about March 30, 1935, from St. Joseph, Mo., to Quinter, Kans., five bags of sorghum seed bearing tags of the Mitchelhill Seed Co., St. Joseph, Mo.

On December 16, 1935, a libel was filed in the United States District Court for the District of Kansas, praying seizure of the five bags of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Atlas Sorgo", whereas it was found to be white-seeded sorghum other than Atlas Sorgo. The seed was seized by the United States marshal.

On September 11, 1936, no claimant having appeared, the court ordered that the seed be destroyed by the United States marshal.

126. Misbranding of lespedeza seed. U. S. v. 25 bags of lespedeza seed. Seed seized and released for proper retagging. (F. S. 221.)

The Largen Lespedeza Co., Fayetteville, Tenn., shipped on March 16, 1936, from Fayetteville, Tenn., to Birmingham, Ala., 40 bags (4,000 pounds) of lespedeza seed.

On June 1, 1936, a libel was filed in the United States District Court for the Northern District of Alabama, praying seizure of 25 bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act. The seed was seized by the United States marshal.

Nature of misbranding

Item	Claimed	Found
	<i>Percent</i>	<i>Percent</i>
Purity.....	96.0	91.67
Weed seeds.....	3.1	5.12
Noxious weed seeds per pound.....	(1)	(2)

¹ 96 dodder.² 6,545 dodder.

On September 14, 1936, the court ordered that the seed be released to the claimant, Largen Lespedeza Co., for proper retagging under supervision of an agent of the State Department of Agriculture of Alabama.

127. Misbranding of turnip seed. U. S. v. 50 pounds of turnip seed. Seed seized and ordered destroyed. (F. S. 222.)

The Leonard Seed Co., Chicago, Ill., shipped on October 2, 1935, from Chicago, Ill., to Dothan, Ala., one bag (50 pounds) of turnip seed.

On June 18, 1936, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of the 50 pounds of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Germination 90+%", whereas it was found in November, 1935, to germinate 61 percent. The seed was seized by the United States marshal.

On July 22, 1936, no claimant having appeared, the court ordered that the seed be destroyed by the United States marshal.

128. Misbranding of lima bean seed. U. S. v. 3 bags of lima bean seed. Seed seized and released to a charitable institution. (F. S. 223.)

The Leonard Seed Co., Chicago, Ill., shipped on January 11, 1936, from Chicago, Ill., to Birmingham, Ala., four bags (480 pounds) of lima bean seed.

On June 23, 1936, a libel was filed in the United States District Court for the Northern District of Alabama, praying seizure of three bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act, in that it was labeled, in part, "Germination 90+%", whereas it was found in February, 1936, to germinate approximately 55 percent. The seed was seized by the United States marshal.

On July 29, 1936, no claimant having appeared, the court ordered that the seed be delivered to a charitable institution to be selected by the marshal.

129. Misbranding of oat seed. U. S. v. 320 pounds and 320 pounds of seed oats. Seed seized and ordered sold. (F. S. 225 and 226.)

The "Sun-Field Seed Service", a name style used by the American Field Seed Co., 1929 West Forty-third Street, Chicago, Ill., shipped on October 9, 1935, from New Orleans, La., to Little Rock, Ark., four bags (320 pounds) of oats; and shipped on September 16, 1935, from New Orleans, La., to Little Rock, Ark., four bags (320 pounds) of oats.

On August 5, 1936, a libel was filed in the United States District Court for the Eastern District of Arkansas, praying seizure of the eight bags of seed, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Mammoth Cluster", whereas it was found to be oats of a variety not Mammoth Cluster. The seed was seized by the United States marshal.

On September 19, 1936, no claimant having appeared, the court ordered that the seed be sold by the United States marshal after destruction of the tags attached to the bags, and that the proceeds be deposited in the United States Treasury.

130. Misbranding of lima bean seed. U. S. v. 4 bags of lima bean seed. Seed seized and ordered destroyed. (F. S. 228.)

The Leonard Seed Co., Chicago, Ill., shipped on January 11, 1936, from Chicago, Ill., to Dothan, Ala., 10 bags (1,200 pounds) of lima bean seed.

On August 20, 1936, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of four bags of seed from the above-mentioned shipment, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Germination 90+%", whereas it

was found in April, 1936, to germinate approximately 62 percent. The seed was seized by the United States marshal.

On September 11, 1936, no claimant having appeared, the court ordered that the seed be destroyed by the United States marshal.

131. Misbranding of turnip seed. U. S. v. 1 bag of turnip seed. Seed seized and ordered destroyed. (F. S. 229.)

The Leonard Seed Co., Chicago, Ill., shipped on July 10, 1936, from Chicago, Ill., to Wetumpka, Ala., one bag (30 pounds) of turnip seed.

On September 14, 1936, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of the one bag of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Germination 90+%", whereas it was found in August, 1936, to germinate approximately 51 percent. The seed was seized by the United States marshal.

On March 30, 1937, no claimant having appeared, the court ordered that the seed be destroyed by the United States marshal.

132. Misbranding of turnip seed. U. S. v. 1 bag of turnip seed. Seed seized and ordered destroyed. (F. S. 230.)

The Leonard Seed Co., Chicago, Ill., shipped on July 7, 1936, from Chicago, Ill., to Clanton, Ala., one bag (75 pounds) of turnip seed.

On September 14, 1936, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of the one bag of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Germination 90+%", whereas it was found in August, 1936, to germinate approximately 52 percent. The seed was seized by the United States marshal.

On March 30, 1937, no claimant having appeared, the court ordered that the seed be destroyed by the United States marshal.

133. Misbranding of turnip seed. U. S. v. 1 bag of turnip seed. Seed seized and ordered destroyed. (F. S. 231.)

The Leonard Seed Co., Chicago, Ill., shipped on July 8, 1936, from Chicago, Ill., to Montgomery, Ala., one bag (50 pounds) of turnip seed.

On September 14, 1936, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of the one bag of seed, alleging same to be misbranded in violation of the Federal Seed Act in that it was labeled, in part, "Germination 90+%", whereas it was found in July, 1936, to germinate approximately 66 percent. The seed was seized by the United States marshal.

On March 30, 1937, no claimant having appeared, the court ordered that the seed be destroyed by the United States marshal.

134. Misbranding of sorghum seed. U. S. v. 23 bags of sorghum seed. Seed seized and ordered sold at public auction. (F. S. 233.)

The S. E. Cone Grain & Seed Co., Lubbock, Tex., shipped on March 23, 1937, from Lubbock, Tex., to Fort Smith, Ark., 25 bags of sorghum seed.

A libel was filed in the United States District Court for the Western District of Arkansas, praying seizure of 23 bags of seed from this shipment, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Germination approximately 82%", whereas it was found in April, 1937, to germinate approximately 51 percent. The seed was seized by the United States marshal.

On January 24, 1938, no claimant having appeared, the seed was ordered sold at public auction.

135. Misbranding of Austrian Winter peas. U. S. v. 600 bags of Austrian Winter peas. Seed seized and ordered destroyed. (F. S. 237.)

Mark Means Co., Lewiston, Idaho, shipped on August 26, 1937, from Vancouver, Wash., to Montgomery, Ala., 600 bags (60,000 pounds) of Austrian Winter peas.

On October 9, 1937, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of the 600 bags, more or less, of Austrian Winter peas, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Germination 90", whereas it was

found in September, 1937, to germinate from 50 to 67 percent. The seed was seized by the United States marshal.

On November 18, 1937, the court ordered that the seed be destroyed by the United States marshal.

136. Misbranding of oat seed. U. S. v. 9 bags of oats. Seed seized and ordered delivered to a charitable institution for feed purposes. (F. S. 243.)

The "Sun-Field Seed Service", a name-style used by the American Field Seed Co., 1929 West Forty-third Street, Chicago, Ill., shipped on September 1, 1937, from Orangeburg, S. C., to Waverly, Ala., 20 bags of oats.

On January 11, 1938, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of nine bags of seed from this shipment, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Sunfield's Selection Ferguson Strain Red Oats, Germination 95%", whereas it was found to be Fulgrain oats and to germinate approximately 66 percent. The seed was seized by the United States marshal.

On June 16, 1938, no claimant having appeared, the seed was ordered delivered to a charitable institution for feed purposes.

137. Misbranding of oat seed. U. S. v. 20 bags of oats. Seed seized and ordered delivered to a charitable institution for feed purposes. (F. S. 244.)

The "Sun-Field Seed Service", a name-style used by the American Field Seed Co., 1929 West Forty-third Street, Chicago, Ill., shipped on September 1, 1937, from Orangeburg, S. C., to Camp Hill, Ala., 20 bags of oats.

On January 11, 1938, a libel was filed in the United States District Court for the Middle District of Alabama, praying seizure of the 20 bags of seed from this shipment, alleging same to be misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Sunfield's Selection Ferguson Strain Red Oats, Germination 95%", whereas it was found to be Fulgrain oats and to germinate approximately 66 percent. The seed was seized by the United States marshal.

On June 16, 1938, no claimant having appeared, the seed was ordered delivered to a charitable institution for feed purposes.

138. Misbranding of alfalfa seed. U. S. v. Northern Field Seed Co., Inc. Plea of guilty. Fine, \$200. (F. S. 245.)

The Northern Field Seed Co., Winona, Minn., shipped on April 19, 1937, from Winona, Minn., to Chittenango, N. Y., 100 bags of alfalfa seed.

On January 25, 1938, information was filed in the United States District Court, St. Paul, Minn., alleging that the Northern Field Seed Co., a Minnesota corporation, Winona, Minn., unlawfully delivered for transportation in interstate commerce the above-mentioned shipment misbranded in violation of the Federal Seed Act in that the seed was labeled, in part, "Where grown Minnesota", whereas it was found to have been grown in the Southwest.

On June 21, 1938, the defendant entered a plea of guilty and the court assessed a fine of \$200.

